

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT NEW YORK

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PENGUIN RANDOM HOUSE LLC; SIMON &
SCHUSTER, INC.; ALAN U. SCHWARTZ, as
trustee of THE TRUMAN CAPOTE LITERARY
TRUST; JOHN SAMPAS as Literary
Representative of THE ESTATE OF JACK
KEROUAC; NANCY BUMP; ANTHONY M.
SAMPAS; JOHN LASH, Executor of THE
ESTATE OF JAN KEROUAC; THE DR.
ARTHUR C. CLARKE TRUST; HEMINGWAY
COPYRIGHTS, L.L.C.; THE PATRICK
HEMINGWAY AND CAROL T. HEMINGWAY
REVOCABLE LIVING TRUST; and THE
HEMINGWAY FAMILY TRUST,

Plaintiffs,

- against -

FREDERIK COLTING and MELISSA MEDINA,
d/b/a Moppet Books,

Defendants.
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Case No. 17 Civ. 386

Hon. Jed. S. Rakoff

**NOTICE OF MOTION
FOR SUMMARY JUDGMENT
PURSUANT TO FED. R. CIV. P. 56**

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE that upon the papers to be served and filed by Plaintiffs on June 19, 2017, Plaintiffs Penguin Random House LLC; the Dr. Arthur C. Clarke Trust; Alan U. Schwartz as trustee of the Truman Capote Literary Trust; James Sampas as Literary Representative of the Estate of Jack Kerouac, Nancy Bump, Anthony M. Sampas, and John Lash, Executor of the Estate of Jan Kerouac, Simon & Schuster, Inc., Hemingway Copyrights, L.L.C., The Patrick Hemingway and Carol T. Hemingway Revocable Living Trust, and The Hemingway Family Trust (collectively "Plaintiffs"), by and through their undersigned counsel, will move this Court before the Honorable Jed S. Rakoff, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, for an order granting partial summary judgment in their favor on the issue of liability for all of the claims set forth in

the Amended Complaint and for a finding of willful conduct by defendants, pursuant to Rule 56 of the Federal Rules of Civil Procedure.

Defendants' opposition papers must be submitted by July 7, 2017, and Plaintiffs' reply papers must be submitted by July 14, 2017. Oral argument is scheduled for July 24, 2017 at 4 p.m.

Dated: New York, New York
June 13, 2017

DAVIS WRIGHT TREMAINE LLP

By: /s/ Marcia B. Paul
Marcia B. Paul
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